

Title 33 ENVIRONMENTAL QUALITY

Part III. Air

Chapter 28. Lead-Based Paint Activities—Recognition, Accreditation, Licensure, and Standards for Conducting Lead-Based Paint Activities

§2805. Recognition and Standards for Training Providers

A. Application Process. ~~After March 20, 1998, a~~A training provider shall not provide, offer, or claim to provide lead training courses for accreditation purposes without receiving recognition from the department. For a training provider to receive recognition for itself and its courses from the department, the following procedures shall be followed.

A.1. – B.4.a. ...

b. résumés, letters of reference, or documentation of work experience, as evidence of meeting the work experience requirements; and

c. certificates from train-the-trainer courses, lead-specific training courses, and accreditations, as evidence of meeting the training requirements; ~~and~~

d. ~~principal instructors who were recognized initially based on training, education, and demonstrated work experience must provide current accreditation certificates in the appropriate disciplines by July 1, 2003, as required by Subparagraph B.2.c of this Section;~~

5. the training provider shall provide adequate facilities for lecture, course tests, hands-on training, and assessment. This includes providing training equipment that reflects current work practices and maintaining or updating the equipment and facilities as needed;

6. – 6.d. ...

e. the lead worker course shall consist of a minimum of ~~16~~24 training hours, with a minimum of eight hours devoted to hands-on training. The minimum curriculum required for this course is established in Paragraph C.5 of this Section;

7. – 9. ...

a. one 1" x 1¼" photograph for the trainee to submit to the department with the application for accreditation~~certification~~;

9.b. – 14.a.iv. ...

b. ~~the annual refresher courses shall last a minimum of eight training hours~~each refresher course, except for the project designer course, shall last a minimum of eight training hours and shall include a hands-on skills assessment if required in the original course. The project designer refresher course shall last a minimum of four training hours and does not require a hands-on skills assessment;

c. ~~for each course offered the training provider shall conduct a hands-on assessment, as applicable, and at the completion of the course, a course test that the student must pass~~ a course test with a score of 70 percent or better; and

B.15. – E. ...

1. the written notification shall be received by the department at least ~~five~~10 days before the start of initial training courses;

2. the written notification shall be received by the department at least ~~two~~five days before the start of refresher training courses;

3. ...

4. in the event that a training course must be scheduled immediately due to an emergency, notification to the department must be made as soon as possible, but no less than 24 hours prior to commencement of the course. Written justification for not notifying the department five working days in advance must be provided with the emergency training request;

54. in the notification, the training provider shall submit to the department the following information:

- a. the name of the training course to be taught;
- b. the dates and length of the training course;
- c. the principal/guest instructors that will be teaching the course;
- d. the name and telephone number of the training manager; and
- e. the location where the course will be taught; and

65. the training course shall not start before the start date noted on the notification.

F. – G.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054 and 2351 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:1666 (December 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2459 (November 2000), LR 28:2337 (November 2002), amended by the Office of Environmental Assessment, LR 30:2804 (December 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2445 (October 2005), LR 33:**.

§2807. Accreditation of Individuals

A. – A.1.e. ...

2. ~~After March 20, 1998, i~~Individuals must be accredited by the department to engage in lead-based paint activities.

3. ...

4. ~~After November 30, 1998, i~~Individuals seeking accreditation in the lead inspector, risk assessor, lead project supervisor, or lead project designer disciplines must pass the applicable state examination given by the department or its proxy. Individuals must pass the state examination, with a score of 70 percent or above, ~~within six months of receiving a course completion certificate.~~ Individuals who fail the state examination will be allowed to take the examination again within a six-month period. Individuals who fail the state examination twice must retake the initial course before they will be allowed to retake the state examination. Anyone who fails the test three times within a six-month period may not apply for testing in that category for 90 days.

A.5. – D.3. ...

4. If the individual fails to receive refresher training within one year after the accreditation expiration date, the individual must complete a refresher training course with a course test and hands-on assessment, as applicable, retake the initial training course for the appropriate discipline in order to become recertified.

5. If an individual has not completed a refresher course within three years, the department shall require the applicant to:~~Any applicant who was accredited initially in accordance with Subsection C of this Section or prior to November 30, 1998, must pass the~~

~~appropriate state examination prior to being reaccredited by the department.~~

a. pass the state lead certification examination in the appropriate discipline; or

b. complete a refresher training course with a course test and hands-on assessment, as applicable.

6. If an individual has not completed a refresher course within five or more years, the department shall require the applicants to complete a refresher training course with a course test and hands-on assessment, as applicable, and pass the state lead certification examination in the appropriate discipline every three years.

E. – E.2. ...

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§2809. Licensure of Lead Contractors

A. Licensure Requirements

1. In order to bid and/or perform abatement activities, lead contractors must obtain a lead-based paint abatement and removal license from the State of Louisiana Licensing Board for Contractors. ~~As of November 1, 1998, p~~ Prior to obtaining an initial or renewal license, the lead contractor must submit an application for approval, along with the appropriate fees as required in LAC 33:III.223, to the Office of Environmental Services, Air Permits Division, and certify to the department that the following criteria have been, or will be, met:

a. For target housing and child-occupied facilities, each qualifying person who conducts lead-based paint activities for the lead contractor is annually accredited as a lead project supervisor in accordance with the provisions of LAC 33:III.2807, and forms LPF-2ci and LPF-2th for each such person have been submitted;

b. For commercial buildings and steel structures, each qualifying person for the lead contractor is certified as a lead supervisor/competent person in accordance with SSPC C-3 or equivalent Occupational Safety and Health Administration (OSHA) competent person training, and form LPF-2ci for each such person has been submitted.

~~c.~~ ¶The lead contractor has access to at least one disposal site to receive lead-contaminated waste that may be generated by the lead contractor during the term of the license;

d. For target housing and child-occupied facilities, the lead contractor will incorporate the work practice standards in LAC 33:III.2811, and for commercial buildings and steel structures, the lead contractor will adhere to OSHA work practice standards and SSPC requirements, so as to prevent the contamination or recontamination of the environment and protect the public health from the hazards of exposure to lead;

~~e.~~ ¶The lead contractor possesses a worker protection and medical surveillance program consistent with the requirements of the Occupational Safety and Health Administration (OSHA) and/or the state health officer;

~~fe.~~ For target housing and child-occupied facilities, an accredited lead project supervisor will~~shall~~ be present at all times during all of the lead contractor's abatements,~~;~~ and

~~g.~~ For commercial buildings and steel structures, a supervisor who is a certified lead supervisor/competent person in accordance with SSPC C-3 or equivalent OSHA competent person training will be available during commercial lead abatement activities.

~~hf.~~ The lead contractor will~~shall~~ maintain all records as required by this Chapter.

2. Once the person receives a letter of approval, he can apply to the State of Louisiana Licensing Board for Contractors to request a license, subject to its approval.~~The qualifying party must be accredited as a lead project supervisor.~~

~~a.~~ Each person who conducts lead-based paint activities for the lead contractor shall be accredited annually in accordance with the provisions of LAC 33:III.2807.

~~b.~~ The lead contractor shall have access to at least one disposal site to receive lead-contaminated waste that may be generated by the lead contractor during the term of the license.

~~c.~~ The lead contractor shall incorporate the work practice standards in LAC 33:III.2811 so as to prevent the contamination or recontamination of the environment and protect the public health from the hazards of exposure to lead.

~~d.~~ The lead contractor shall possess a worker protection and medical surveillance program consistent with the requirements of OSHA and/or the state health officer.

~~e.~~ An accredited lead project supervisor shall be present at all times during all of the lead contractor's abatements.

~~f.~~ The lead contractor shall maintain all records as required by this Chapter.

A.3. – B.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054 and 2351 et seq.

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§2811. Work Practice Standards for Conducting Lead-Based Paint Activities for Target Housing and Child-Occupied Facilities

A. – E.4. ...

a. Regular notification shall be made using a department-approved form and be postmarked or hand-delivered at least ~~five~~10 working days prior to beginning any on-site work at the lead abatement project. The notification must be accompanied by the appropriate fees (LAC 33:III.223).

b. The project shall not start before the start date noted on the Lead Project Notification (LPN). The Office of Environmental Services, Air Permits Division, shall be notified if the operation will stop for a day or more during the project time noted on the LPN or if the project has been canceled or postponed. The firm shall also give notice 24 hours before the completion of a project. Notice ~~shall~~should be submitted to the department with written follow-

up and fax notification to the appropriate regional office.

c. ~~A~~Notifications of less than ~~five~~10 working days constitutes an emergency notification and must be submitted within 48 hours of the start of the project. The notification must be accompanied by the appropriate processing fees (LAC 33:III.223).

4.d. – 13. ...

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§2813. Recordkeeping Requirements for Lead-Based Paint Activities

A. All records, reports, and plans required by this Chapter for inspections, hazard screens, risk assessments, and abatements shall be maintained by the owner of the residence, in the case of (target housing), or the owner or operator of a residential dwelling or child-occupied building, and by the contractor or accredited individual who conducted the activities, for not less than five at least three years. The contractor or accredited individual shall provide copies of these reports to the owner/operator who contracted for its services. Any person who is required by this Chapter to maintain records may utilize the services of competent organizations such as industry trade associations and employee associations to maintain such records.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054 and 2351 et seq.

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